

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAMON ALCANTARA SUERO,	:
	:
Plaintiff,	:
	:
-v-	:
	:
LIVE AXLE TRUCKING LLC and NATHANIEL	:
RAYMOND CASSARINO,	:
	:
Defendants.	:
	:
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JOHN P. CRONAN, United States District Judge:

On October 31, 2024, Defendants removed this case from the Supreme Court of the State of New York, County of Bronx. *See* Dkt. 1. In their notice of removal, Defendants identify diversity jurisdiction as the grounds for removal. *Id.* at 1-2; *see* 28 U.S.C. § 1332. While the notice of removal identifies that Defendant Live Axle Trucking LLC is a company organized under the laws of the State of Connecticut and has its principal place of business in the State of Connecticut, this is insufficient to plead diversity jurisdiction. For the purposes of diversity jurisdiction, a limited liability company takes the citizenship of each of its members. *See, e.g.*, *Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 52 (2d Cir. 2000). “A complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.” *New Millennium Cap. Partners, III, LLC v. Juniper Grp. Inc.*, No. 10 Civ. 46 (PKC), 2010 WL 1257325, at *1 (S.D.N.Y. Mar. 26, 2010) (emphasis added).

“Defendant seeks to invoke diversity jurisdiction as its basis for removing this action to this Court. Therefore, Defendant, as the removing party, bears the burden of demonstrating the

propriety of removal.” *Ankura Consulting Grp., LLC v. Mortazavi*, No. 22 Civ. 2385 (VSB), 2022 WL 3445766, at *2 (S.D.N.Y. Aug. 17, 2022). Defendants’ notice of removal does not identify the membership of Defendant Live Axle Trucking LLC and the citizenship of its members, and therefore fails to establish this Court’s diversity jurisdiction. By November 18, 2024, Defendants shall re-file the notice of removal to properly plead diversity jurisdiction.

SO ORDERED.

Dated: November 6, 2024
New York, New York



JOHN P. CRONAN
United States District Judge